

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 07-416 (ADM/RLE)

UNITED STATES OF AMERICA,)	Draft 02.07.08
)	
Plaintiff,)	
)	
v.)	PLEA AGREEMENT AND
)	SENTENCING STIPULATIONS
MATTHEW CURTIS PEDERSON,)	
)	
Defendant.)	

The United States, by its attorneys, Frank J. Magill, United States Attorney for the District of Minnesota, and Richard Newberry, Assistant United States Attorney, and the defendant, Matthew Curtis Pederson, and his attorney, Caroline Durham, Assistant Federal Defender, hereby agree to dispose of this case on the following terms and conditions:

FACTUAL BASIS

1. The government and the defendant, Matthew Curtis Pederson, agree that, on or about September 26, 2007, the defendant robbed the State Bank of Lake Park in Hitterdal, MN. Defendant did by force, violence and intimidation take from the person and presence of the victim teller money belonging to the State Bank of Lake Park, the deposits of which were then insured by the Federal Deposit Insurance Corporation. Defendant entered the bank, approached the teller, pointed what appeared to be a gun and

demanded money. The teller gave defendant approximately \$6,600 in U.S. currency and defendant fled.

PLEA AGREEMENT

2. The defendant will plead guilty to Count 1 of the indictment charging Bank Robbery. That charge carries a maximum possible statutory penalty of:

- A. a maximum of twenty (20) years imprisonment;
- B. a fine of up to \$250,000.00;
- D. a supervised release term of 2 to 3 years;
- E. a mandatory special assessment of \$100; and
- F. the assessment to the defendant of the costs of prosecution, imprisonment, and supervision.

The defendant understands that, if he were to violate any condition of supervised release, he could be sentenced to an additional term of imprisonment up to the length of the original supervised release term.

3. The defendant will plead guilty to Count 1 of the indictment charging Bank Robbery.

4. Other than as stated herein, there is no agreement as to the term of imprisonment the Court may impose. There is no agreement as to: fine, costs, supervised release, or denial of federal benefits.

GUIDELINE FACTORS

5. The defendant understands that he will be sentenced in accordance with the applicable Sentencing Guidelines under the Sentencing Reform Act of 1984 which are advisory for the Court. The proper application of those Guidelines is a matter solely within the discretion of the Court. However, the parties have agreed upon the following position of the parties with respect to sentencing factors. The parties' views as to the sentencing factors are not binding upon the Court. If the Court determines the factors to be different from those set forth below, the defendant shall not be entitled to withdraw from the plea agreement. These positions are binding on the parties.

6. Base Offense Level. The base offense level is Level 20. Guideline Section 2B3.1(a).

7. Specific Offense Characteristics. The parties agree that a 2 level increase is applicable as a specific offense characteristic inasmuch as the property of financial institution was taken. Guideline Section 2B3.1(b)(1). The parties agree that a 3 level increase is applicable as a specific offense characteristic inasmuch as a dangerous weapon was brandished. Guideline Section 2B3.1(b)(2)(E). The total increase for specific offense characteristics is $2+3 = 5$ levels.

8. Adjustments. The parties agree that no Chapter 3 adjustments are applicable except acceptance of responsibility. Guideline Chapter 3.

9. Acceptance of Responsibility. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if the defendant continues to accept responsibility for his actions, within the meaning of Guideline 3E1.1, a two-level reduction in the offense level is appropriate. Defendant has notified the government timely of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the court to allocate its resources efficiently, within the meaning of Guideline 3 E1.1(b); an additional one-point reduction in the offense level is therefore appropriate, provided the court determines the offense level to be 16 or greater prior to the operation of Guideline 3E1.1(a).

10. Criminal History Category The parties believe the defendant's criminal history category is category II. If the defendant's criminal history category as finally computed is greater than category II, the defendant may not withdraw his plea

of guilty based upon that ground and agrees to be sentenced in accordance with the applicable Sentencing Guidelines.

11. Guideline Range. Depending on the Court's determination of acceptance of responsibility, the parties believe the following guideline ranges are applicable:

- A. Level 25/Category II = 63 to 78 months imprisonment without parole (computation with no reduction)
- B. Level 22/Category II = 46 to 57 months imprisonment without parole (computation with a 3 level reduction for acceptance of responsibility).

12. Departure. The parties do not agree whether there are any grounds for departure or variance in this case.

13. Fine Range. The fine range is from a high of \$100,000 (level 25) to a low of \$7,500 (level 22).

14. Supervised Release. The Guidelines advise the Court to impose a term of supervised release of 2 to 3 years. Section 5D1.2(a)(2).

15. Defendant understands that the indictment and this Plea Agreement are matters of public record and may be disclosed to any party.

The foregoing accurately sets forth the full extent of the plea agreement and the sentencing stipulations in the above-captioned case.

Dated: 02.07.08

FRANK J. MAGILL
United States Attorney

BY: RICHARD NEWBERRY
Assistant U.S. Attorney
Attorney ID Number 164756

Dated:

MATTHEW CURTIS PEDERSON
Defendant

Dated:

CAROLINE DURHAM
Assistant Federal Defender
Attorney ID Number 24921x